

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

SHAVONTAE SMITH

PLAINTIFF

v.

CIVIL ACTION NO.: 3:23-cv-604-KHJ-MTP

HYUNDAI MOTOR AMERICA, *et al.*

DEFENDANTS

ORDER

THIS MATTER is before the Court on the Unopposed Motion to Stay Further Proceedings Unrelated to Summary Judgment Briefing [21] filed by Defendant Hyundai Motor America. Having considered the applicable law, the Court finds that the Motion [21] should be DENIED.

BACKGROUND

This action was removed to this Court on September 19, 2023. *See* Notice of Removal [1]. Plaintiff Shavontae Smith (“Plaintiff”) was injured in an automobile accident in Jackson, Mississippi. *See* [1-1] at 2. At the time, Plaintiff was driving a vehicle manufactured by Defendant Hyundai Motor America (“Hyundai”) that she acquired as a rental car from Defendant Budget Rent A Car System, Inc. (“Budget”). *Id.* Plaintiff claims that the “steering on the car suddenly locked up,” causing her to lose control. *Id.* Plaintiff alleges a products liability claim against Hyundai and Budget. *Id.* at 3-4. She also alleges negligence against Budget and seeks damages from both Defendants. *Id.* at 5.

Hyundai filed its Motion for Summary Judgment [19] on February 28, 2024. In the Instant Motion [21], Hyundai moves to stay all proceedings unrelated to the summary judgment briefing. In support, Hyundai contends that a settlement has been reached, though not yet consummated, between Plaintiff and Budget. Hyundai suggests that once settlement is

consummated with Budget, the only claims that will remain are Plaintiff's claims against Hyundai. Those claims are the subject of Hyundai's Motion for Summary Judgment [19].

ANALYSIS

The district court has the discretion to stay discovery pending resolution of a dispositive motion. *Brown v. DFS Servs., L.L.C.*, 434 F. App'x 347, 352 (5th Cir. 2011). Courts may temporarily stay discovery pending resolution of a motion for summary judgment where the motion "could potentially dispose of the entire case without the necessity of ... discovery." *Fed. Ins. Co. v. New Hampshire Ins. Co.*, 2010 WL 1757932, at *3 (M.D. La. Apr. 30, 2010). "However, it is the normal practice of this Court to only stay discovery when a motion to remand is filed, or an immunity question or issue of personal jurisdiction exists." *Bryant v. State Farm Mut. Auto. Ins. Co.*, 2024 WL 87777, at * 1 (N.D. Miss. Jan. 8, 2024) (quoting *King Indus. Inc. v. United Ass'n of Journeymen & Apprentices of the Plumbing & Pipe Fitting Indus. of the U.S. & Canada, AFL-CIO*, 2009 WL 10676877, at *1 (S.D. Miss. Apr. 2, 2009)).

Here, it is not certain that the resolution of the pending Motion for Summary Judgment [19] will dispose of the entire case. Though Hyundai claims that its Motion for Summary Judgment [19] is determinative of all issues in this matter, the Court desires for the case to be ready for trial in the event the Motion [19] is denied. Additionally, stays of this type are the exception, not the rule, *see Great Lakes Ins., S.E. v. Gray Grp. Invs., LLC*, 2021 WL 7708048, at *10 (E.D. La. May 21, 2021), and this case is "not so unusual to stay discovery" pending a ruling on Hyundai's dispositive motion. *King Indus. Inc.*, 2009 WL 10676877, at *1. Accordingly, the Motion to Stay [21] will be denied.

IT IS, THEREFORE, ORDERED that the Unopposed Motion to Stay Further Proceedings Unrelated to Summary Judgment Briefing [21] is DENIED.

SO ORDERED, this the 8th day of March, 2024.

s/Michael T. Parker

United States Magistrate Judge